

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMAGeorge Monton MATTHEWS

Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

5:17-cv-02195-VEH-JHE

The Mayor of Madison County | Madison County-city police | K9 unit

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

**I. The Parties to this Complaint****A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name George Monton MATTHEWS  
 All other names by which you have been known: \_\_\_\_\_  
 ID Number SSN# 6915 / MNI# 023769  
 Current Institution MADISON County Metro Jail  
 Address PO Box 2047  
Huntsville AL 35804  
 City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

*1st shift*  
 Name Huntsville City Police Department  
 Job or Title (*if known*) K-9 unit of Huntsville Police Department  
 Shield Number unknown  
 Employer Madison County Sheriff | Huntsville City Police  
 Address Department 815 Wheeler Ave  
Huntsville AL 35801  
 City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

Defendant No. 2

Name The Mayor of Huntsville Madison County  
 Job or Title (*if known*) and Head of STAFF Huntsville Police Department  
 Shield Number unknown  
 Employer Madison County | City Police Department  
 Address 715 Wheeler Avenue  
Huntsville AL 35801  
 City State Zip Code  
☒ Individual Capacity ☒ Official Capacity

## Defendant No. 3

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City State Zip Code

☐ Individual Capacity ☐ Official Capacity

## Defendant No. 4

Name \_\_\_\_\_

Job or Title (if known) \_\_\_\_\_

Shield Number \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City State Zip Code

☐ Individual Capacity ☐ Official Capacity

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

obseccive force by Huntsville Police Department and their Madison County City's K-9 (Dog) unit; (obscure) excessive force Police's Police K-9 Dog Brutality, unto the Black (African American) community(s) of Huntsville-Madison county, they Do not treat the white community. As such- Black Lives matter.

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

☒ Other (explain) Detained in Madison County Metro Jail

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose. Lodge Road Area 8 August 2017 [Martin Lake rd + Gordon Lane]  
Monticello, AL

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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C. What date and approximate time did the events giving rise to your claim(s) occur?

8 Aug 2017 11 AM - 12 noon

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?

Was anyone else involved? Who else saw what happened? I was Apprehended flat on the ground surrounded by City Police (s) at gun point. I gave no resistance I gave no struggle, I obeyed all orders from police yet still in broad day light after Channel 31 News and Ambulance pulled up the K-9 unit later arrived and was deliberately put over the fence and giving the police K-9 (kill) Attack command, when I was in plain sight in compliance. Not too injuries Forget opened deep K-9 Dog Bite left palm of my hand

If you sustained injuries related to the events alleged above, describe your injuries in detail.

The German Shepherd Police K-9 chewed and mauled my upper and under left arm pulling me literally away from the car; Channel 31 News has Audio + video I like to request the Court to subpoena, I also like for that Anchorwoman to be subpoena as my witness, the way I was done is An racist issue

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I request Financial compensation for loss of home, Job, Pain and suffering, slander of charges, Any and All hospital and future Therapeutic Bills, For I've not gained full usage of Both Arm Limbs especially my whole upper Left Arm (top and under arm) chewed up badly scarred. Damage Physically, I've got phobia of Dogs "PTSD", sleeping Disorders And fear of Huntsville City police "Black Lives Matters"

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1982 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*IT happened while During Arrest on the street; There Are NO grievance Procedures against Madison County-city police while during incarceration inside Madison County Metro Jail*

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

No results - this incident did not happen in Jail.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

None - The Madison County Metro Jail; unto the best of my knowledge does not have In-House grievance forms Against peace officers that an inmate can use?



## F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

*because I was / Am locked up and this Madison County Metro Jail Do not have any in-house grievance procedures Against outside Metro / Police officers.*

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: *The Huntsville Hospital was informed by the officers, Channel 3 / News, And I as well (Aug 8, 2017 --- 12 noon)? They did not respond to me due to the fact I was informed no one could NOT discuss Legal Procedures with me.*

## G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*I tried to inquire for help & guidance unto Jail nurse And Jail administration(s) And again was informed that no legal advice could be discuss for me*

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

George MATTHEWS

Prison Identification #

023769MADISON County Jail

Prison Address

P.O. Box 2047Huntsville  
CityAL  
State35804  
Zip Code

Date of signing:

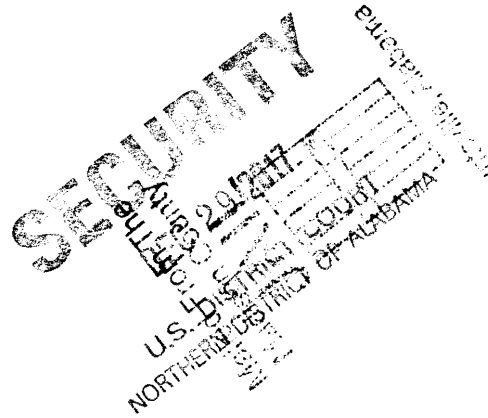
12-21-17George Matthews  
Signature of Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

12-21-17  
(Date)George Matthews  
Signature of Plaintiff

George MATTHEWS 023769  
P.O. Box 2047  
Huntsville, AL 35804  
Madison County Jail



Clerk of the United States  
District Court For the Northern  
District of Alabama - Room 140  
Fugo L. Black U.S. Courthouse  
1727 5th Ave North  
Birmingham, AL 35203-2145

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